

RESOLUTION No. \_\_\_\_\_

RESOLUTION OF MAYOR AND THE CITY COUNCIL  
OF GAITHERSBURG GRANTING APPROVAL OF  
A HEIGHT WAIVER AS PART OF CONCEPT SITE PLAN SP-7495-2017,  
KNOWN AS HYATT HOUSE, FOR  
APPROXIMATELY 5.46 ACRES OF PROPERTY  
ZONED CORRIDOR DEVELOPMENT (CD)

WHEREAS, on January 19, 2017, MRK Partners, Inc., the Applicant on Zoning Map Amendment application Z-7496-2017 and Concept Plan SP-7495-2017, included in those applications a request for a height waiver under § 24-160G.5, with accompanying Statement of Justification; and

WHEREAS, to accomplish the proposed re-use of the existing hotel buildings as senior rental apartments, the applicant is seeking the height waiver from the City Council; and

WHEREAS, the Zoning Map Amendment and Concept Plan propose no change to the height of the existing buildings as part of the proposed re-use; and

WHEREAS, the property is located in the Southern Residential Zone of the Frederick Avenue Corridor Plan; and

WHEREAS, under § 24-160G.5(a) of the City Code, “the City Council may, by resolution, waive the building and structure height requirements [in any district] in the corridor development zone (CD zone)” and, under § 24-160G.5(a)(1) of the City Code, such waiver may be granted “for a residential district to allow a height not to exceed four (4) stories, or forty-eight (48) feet,” should the Council find under § 24-160G.5(b) that (1) the applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone; and (2) the additional height is necessary to implement the master plan and a specific land use plan for Gaithersburg or attract an appropriate and compatible type or caliber of user; and (3) the additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor; and

WHEREAS, the Mayor and City Council heard testimony on the application as part of the consolidated joint public hearing on the zoning map amendment and concept plan held February 21, 2017; and

WHEREAS, the City Council received the recommendation of approval from the Planning Commission on April 7, 2017; and

WHEREAS, the City Council has reviewed all testimony and evidence submitted into the record.

NOW THEREFORE, in accordance with § 24-160G.5 of the City's Zoning Ordinance (Chapter 24 of the City Code), the City Council hereby find as follows:

1. The applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone.

Applications Z-7496-2017 and SP-7495-2017 are part of the previously-approved hotel site plan, which included a 0.42-acre area (Parcel E) that was later deeded to the City for public use as Summerfield Park. The property is also part of the larger Gateway Commons subdivision, which included right of way dedication for several City streets, including Skidmore Boulevard.

2. The additional height is necessary to implement the master plan and a specific land use plan for Gaithersburg or attract an appropriate and compatible type or caliber of user.

Applications Z-7496-2017 and SP-7495-2017 propose to re-use the existing hotel as senior rental housing. The adopted 2009 Municipal Growth Element states that "The overall vision for future City growth will retain the goal of providing for diversity in demographics, economics, and housing types." The adopted 2009 Process and Overview Element includes as the City Commitment to State Planning Vision 7: "The City will implement programs that improve current housing stock and pursue development and redevelopment opportunities that provide an appropriate mix of housing types in inclusive communities. The City shall provide for the housing needs of all its citizens." Lastly, applications Z-7496-2017 and SP-7495-2017 propose to re-use existing buildings that currently exceed the by-right height, regardless of use.

3. The additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor.

Applications Z-7496-2017 and SP-7495-2017 are part of the previously-approved hotel site plan development, indicating that the previously-approved height is compatible with the existing adjacent land uses and does not detrimentally impact those uses.

## RESOLUTION

NOW, THEREFORE BE IT ORDAINED by the City Council of Gaithersburg, that the height waiver request of forty-five (45) feet included in Z-7496-2017 and SP-7495-2017, being applications filed by MRK Partners, Inc., is hereby approved.

ADOPTED by the City Council this 1st day of May, 2017.

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JUD ASHMAN, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing  
Resolution was adopted by the City Council  
in a public meeting assembled on the 1st day of May, 2017.

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Tony Tomasello, City Manager